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Day 1

DISCOURSE

on the

LIFE AND CHARACTER

New York, 167 28. 1828.

THOMAS ADDIS EMMET,

PRONOUNCED, BY REQUEST,

IN THE

NEW-YORK CITY-HALL,

ON THE

FIRST DAY OF MARCH, 1828.



BY SAMUEL L. MITCHILL.

NEW-YORK:

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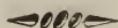
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At a Special Meeting of the MEDICAL FACULTY of GENEVA COLLEGE, held on the 1st of March, 1828, it was unanimously resolved, that Professors HOSACK and MACNEVEN be a Committee to wait upon DR. MITCHILL, and request a Copy of his Biographical Discourse, delivered this day, on the late THOMAS ADDIS EMMET, for publication.

JOHN W. FRANCIS, M. D. *Registrar.*

A DISCOURSE
ON THE
LIFE AND CHARACTER OF
THOMAS ADDIS EMMET.



LADIES AND GENTLEMEN,

ONE of my friends, who lately returned after an absence of several years in foreign travel, was so struck with the alterations made in the circle of his acquaintance, by death, during the time he was away, that he exclaimed, "verily the generations of men, pass away like leaves on the trees. I look in vain for many persons, whom I formerly met in the streets and public places, and when I inquire for them, I am informed that they are no longer inhabitants of this world." "Yes, said I, so it is ; though you and myself survive the thirty years assigned as the mean term of life's duration, and should, like the white pine and the live oak, remain verdant for a century or more, we must come to the ground at last. Even those trunks which are capable of standing a long time after death, monuments of majestic ruin, or decaying grandeur, will at length find the common level." Tell, said he, some facts concerning the exit of men from the stage of being, whose society you once enjoyed, but will enjoy no more. Within a brief season, I answered, John B. Coles, William Bayard, William P. Van Ness, Pierre C. Van Wyck, and Samuel F. Dana, have taken their departure. What is the fate of the gentlemen with whom you served in the assembly, during 1798—9 ? John Swartwout, William Denning, James Hunt, Ezekiel Robins, P. I. Arcularius and George Warner, have closed their mortal career. Have any of the select

Argonautic party, with whom in 1809, you circumnavigated Long Island, terminated their days? Daniel D. Tompkins, John Broome, Jonathan Williams, John Bullus, Peter Curtenius and Caleb Brewster, have left us. Where are the citizens with whom you were associated in the duties of the New-York Hospital? Jotham Post, Matthew Clarkson, Robert Bowne, Thomas Eddy, Archibald Bruce, Jacob Sherred, Jonathan Little, James S. Stringham, Valentine Seaman and John C. Osborn, no longer frequent the place. How many of the literary club, which formerly assembled at your house, have gone to the grave? Elihu H. Smith, Edward Miller, Charles B. Brown, John Wells and Anthony Bleecker. How fares it with the gentlemen, who labored with you in the service of Columbia College, when you was a professor there? William S. Johnson, Samuel Provoost, John H. Livingston, Gershom Seixas, Alexander Hamilton, John Kemp, Peter Wilson and Elijah D. Rattoone, besides others, have been taken away by that executive agent ; who, however he may be eluded for a while, never fails eventually to arrest the body ; who is so inexorable, as in no case to admit to bail ; and who is so vigilant, that he was never charged with suffering an escape.

Cease, said I, and ask me no more such questions ; I will give you a piece of mournful intelligence, without a further query. An eminent citizen generally respected and even beloved, has recently closed his eyes in death. The members of the profession, to which he belonged, have put on badges of mourning, in consequence of Thomas Addis Emmet's demise, on the 14th day of November, 1827, in the sixty-fourth year of his age.

That event, said he, excited strong sensation ; there was a very numerous and respectable attendance at the funeral : I wish I knew something more about him ; as you were acquainted with him, perhaps you can inform me. If you will, I shall listen with attention. I replied, that I did possess a few scraps and fragments, which, for his gratification, I

would communicate. The recital was substantially as follows.

In October, 1784, I found T. A. Emmet at the university of Edinburgh. He had, in the September preceding, received the degree of doctor in medicine, in due form; pursuant to a decree of the faculty, and an order of the academic senate. The velvet cap had been put upon his head, by the distinguished principal, William Robertson. He staid there during the winter, which succeeded his graduation, for the purpose of further improvement. Gentlemen who can afford it, and are not pressed immediately into business, not unfrequently do so. I soon became acquainted with him, I even sought an introduction, for he was in high consideration among the students, and he was reputed by the professors and seniors, as having performed his exercises, and gone through the prescribed course of study, with more than common ability.

The statutes impose upon a candidate for the doctorate, among other tasks, the publication of a dissertation upon some professional subject, in the Latin language. Mr. E. possessing a taste for chymistry, had defended at the solemn examination, a composition *de aëre fixo vel acido aereo*: the production, upon which professor Black had founded much of his well-earned fame. Experimenters had proceeded at that day, far enough to ascertain, that it was an air, fixed in, or attracted by other bodies, as by chalk, for example; and they had proved that it was of an acid quality, capable of changing the purple of litmus to red. But they had not discovered that its basis was elementary charcoal, nor, that in correct nomenclature, it ought to be called *carbonic* acid. The performance was considered to have been his own, and not the work of one of those useful hirelings, who prepare exercises for the dull and lazy.

As to the stile, it was deemed a good specimen of modern latinity, and in regard to the matter, it was reckoned

one of the best inaugural tracts. Mr. Smellie, one of the printers to the University, a good naturalist, and a fair judge of literary and scientific matters, had made a selection of those collegiate pieces that went through his hands, which he published in a volume, from time to time, under the title of *Thesaurus Medicus*. Emmet's dissertation, has the honour of being re-printed, and preserved among the choice articles there. I procured one of the original copies, and as I have lately refreshed my memory, by examining it in my library, I will give you a sketch of its contents.

The dissertation states, that it is Chymico-Medical. His motto on the title page is quoted from Virgil.

Audite o mentibus æquis;—neve hæc nostris spectentur ab annis, quæ ferimus.

The first section or chapter, contains the history of the substance, as it was understood forty-seven years ago. That his diligence may be duly appreciated, it becomes me to tell you, he quotes the English philosophical transactions, and the writings of Priestley, Cavallo, Falconer, La-voisier and Bergman, as reigning authorities. He likewise manifests his acquaintance with the labours of Percival, Nooth, Black, Macbride and Pringle, to whom he makes becoming references and acknowledgments. (p. 1—14.)

In the next division of his subject, he examines the “nature of the Aereal Acid,” and after an elaborate discussion of the matter from the facts and opinions before him, he concludes his enquiry, by observing, like a candid, modest and sensible man, (p. 45.) “if I should be required to give “a theory of the Aereal Acid, I should not venture to do it “at present; we are probably ignorant of many qualities “belonging to the gases; but further removed from an ac-“quaintance with their peculiarities and constitutions. “This, however, I will venture to assert, that fixed air, “as far as I can judge, approaches as nearly to a simple “substance, as any gas, or any acid, and in the two cases, “we are equally unacquainted with their constituent “ingredients.”

The third part of his discussion, is directed to the employment of the *Aereal Acid* in medicine. (p. 46.) Herein he exhibits a summary of its use in gangrene, diseases of the stomach from a defect of vigour, in putrid typhous fever, in angina maligna, in confluent small pox and putrid measles, in consumption of the lungs, in dysentery and in scurvy, after the manner of an industrious enquirer, who had exerted every effort that health, opportunity and assiduity could apply, for the elucidation of the subject.

The capital city of Scotland, abounds in Societies, composed mostly of the higher order of students, who meet for mutual improvement. Several of them are so well administered, as to have acquired considerable property, and have become corporate bodies. The *Royal Medical* is one of these, in which memoirs are read and debated. Mr. Emmet was a conspicuous orator in these discussions. He was thought to be one of the best speakers, if not the very best. He was sufficiently esteemed, to be chosen one of the four presidents. It was a regulation, that a part of the discussion in the order of business, should be in Latin, and herein, perhaps Mr. Emmet excelled every person who took the floor. His knowledge was various, his memory retentive, his ideas methodical, and his utterance impressive.

There was another society in which he appeared to great advantage. in these juvenile pursuits. This was the *Royal Physical Society*. The objects of this association, were virtually, the same with the former. A new hall had been constructed, and a formal inauguration ordered. Dr. Emmet, one of the presiding officers here too, was appointed to deliver the discourse. This he executed much to the satisfaction of his audience, in the Latin tongue; although in the preface of the pamphlet he informs the reader, that it was but a work of three days (*tridui opus.*) The copy I possess of this tract, is noted as having been received from the author. I recollect, almost as well as if it was yesterday, his attitude and manner, and the motion of his right

hand which grasped a roll. You rationally expect an epitome of it.

It was pronounced early in December, and printed by request, almost immediately after. He has a bold and animated exordium, in which he congratulates the members, on devoting themselves to Concord as well as to Esculapius. The society had been formed of two other societies; one called the *Physical*, and the other the *Chirurgical*. He felicitates them on the union; and compares their junction to two streams making a large river, which, flowing with a full current, would impart perpetual fertility to the fields of medicine. He adverts to the payments they had made; the sums remaining unpaid; and the means of extricating themselves from debt, by the subscriptions of the generous. In addressing the ordinary members, he urges in forcible terms, the cultivation of the Latin tongue. In recommending temper and moderation, he advises to adorn the brows with laurel, provided the laurel, like the branch torn from Polydorus, (as told by Virgil) does not issue blood. And on the conducting of their discussions, he compares the discreet conflict of opinion, to the motion imparted by the angel to the fountain of Bethsaida; by which agitation, the persons who used it, went away invigorated and healed. He next addresses the senior fellows; and afterwards the professors of the university, in polite and respectful terms. In his peroration he tells the members, that he does not wish that society to surpass all the trees of the grove, and oppress them by its bulk, but that like the tree dreamed of by Mandane, when the gods foretold the birth of Cyrus, it would spread its branches far and wide; that distant nations might be refreshed by its shade; and the society might be respected, wherever medicine flourished, or philosophy was esteemed. If I am not mistaken in my remembrance, I have given you an outline of this neat and happy performance,

There was a third society, to the presidential chair of which he was elevated. This was the association for the promotion of *Natural History*. Its patron and pattern was Professor John Walker; who after having studied medicine, betook himself to theology, and preached to a congregation in a neighbouring parish. From this good and learned man, I derived interesting knowledge. On a visit to the little island Inch Keith, in the Frith of Forth, he showed me the nest of the Eider-duck (*Anas molissima*) made of the exquisitely soft down derived from her body for the purpose; and the univalve mollusca, (*murex purpurea* ?) affording a juice equal to the purple of Tyre. He explained to me the geognostic constitution of the vast basaltic columns, near Arthur's seat in the King's Park; and illustrated to my comprehension, the genera and species of vegetables that we found in our rambles through the fields and gardens of Mid-Lothian. It is one of the delightful incidents of my communication to you, to recal the time long gone, and alas! to return no more, when I was taught to read the pages of Nature's admirable book, with Emmet, by such an able and amiable instructor as Walker.

I believe I am correct in remarking, that the distinction and praise he obtained while yet at the university, operated upon me as incentives to industry, after a model so conspicuous and admired, with the hope of gaining similar rewards.

There was yet another society, called the *Speculative*, to which he belonged, and over which he also became a presiding officer. The exercises here were of a different character from those of the others; inasmuch as they embraced almost every subject except physical, natural and medical science. The whole extent of politics, metaphysics, economics, literature and history, were considered at the meetings.

Where he obtained his boyish education, in what particular seminary, and under what instructors, are matters

of which I am not informed. It is sufficient for me to observe, that on the title-page of his dissertation at Edinburgh, he assumed the title of bachelor of arts, from Trinity College in Dublin. After this preparatory course, he came from Ireland, his native country, to Edinburgh, for completing his professional studies. His father was a physician, and held the place of archiater, or court physician, to his majesty, for the kingdom of Ireland. It may readily be understood that his classical attainments should be mingled with medical beginnings. The Irish students frequent Edinburgh to a very considerable number. The college in Dublin, though richly endowed, famous for classical and mathematical proficiency, and possessing also a faculty of physic, does, nevertheless, collect in its halls but a part of the students who devote themselves to medicine. They flock to the sister kingdom. Nor is it strange that it should be so. The university has professors of acknowledged ability. Its library is voluminous, diversified and constantly increasing. The fees for matriculation and lectures are moderate. Access to the books is liberal and easy. The infirmary may be visited upon convenient terms, and practical lessons derived from the cases of the sick. Private instruction may be obtained, by those who wish it, on almost every subject. In a city where fuel is cheap, wages low, and rents moderate, young men can economize their funds. The societies already mentioned, and others, afford much instruction. To which I may add, that they who can spare time and gain introductions, may be admitted into the best of company.

Young Emmet had gained in this place, as much reputation as one of his years could attain. He was prepared to enter the world of business, and give counsel to the sick and disabled. And in this function he would probably have been able and successful ; adorning from year to year, a profession he had cultivated with extraordinary diligence and ardour.

But, a different destiny awaited him. His elder brother, a barrister in Dublin, was removed by a premature and unexpected death. A vacancy was thus produced, which it was judged he could advantageously fill. He had surmounted the labour of acquiring one profession. He had, on this occasion, the resolution to attempt a second. He determined to undertake the study of the law, and to qualify himself for the duties of the bar.

Starting immediately for London, intelligence was soon received, that he had entered one of the inns of court, and was an attendant at the Old Bailey and Westminster-Hall. The universities of Oxford and Cambridge had long neglected the important business of teaching the common law of England, and, though Sir William Blackstone and Dr. Woodeson have achieved great matters, as professors, their labours were performed at a modern era. When the king's courts of law ceased to be itinerant, and justice was administered, not by the sovereign in person, but by judges of his appointment, the seat of justice now became stationary, drew counsellors, solicitors, attorneys, and all other officers around them. Thither came, of course, clients, plaintiff and defendant, witnesses, jurors, and every individual necessary for the trial of an issue, and there necessarily were gathered the gentlemen who wished to acquire speculative and practical information about actions, suits, pleas, issues, judgments, executions, and the whole of their multifarious science. In that vicinity was gradually formed the great school of law. For the *common law* could be learned in the common pleas and king's bench: *criminal law*, at the sessions and police offices: *fiscal law* in the exchequer: *equitable law* in the court of chancery: *canon law*, as far as admitted, in the spiritual courts; *civil law*, as far as needed, in the admiralty courts; and *parliamentary law* in the houses of lords and commons.

In the midst of these institutions, it is not wonderful that Mr. Emmet in a short time qualified himself for his new employment. They who consider his previous attain-

ments, will instantly perceive that a mind like his, had already ample stores of learning. He had entire knowledge of moral principles and obligations. He understood the rights and duties of man. He did not go there to get instruction on the nature of crimes and offences. On these and other fundamental qualifications of an enlarged soul, he had long before acquired his stock of intelligence. What he wanted was a technical acquaintance with rules, forms and precedents, and with the modes of applying them to the cases that offered, in practice. His mind possessed the versatility and strength adequate to these subjects. It was by some of his friends considered a subject of regret, that he changed his profession. They said that judicial studies circumscribed the faculties and narrowed the mind. The observation, if it is intended particularly for the pursuit of the law, is unjust. It applies with as much pertinency to any other employment which occupies the chief or entire attention. A man who is incessantly watching the auctions or the stocks, or wholly engaged in trade or manufacture, may as well be charged with limiting his intellectual faculties. The fact, however, is, that lawyers, when they have directed their researches to extra-professional objects, have attained high, and even pre-eminent distinction. Who, for instance, will refuse to William Cowper, the praise of a consummate poet ? Will any one deny, that Baron Maseres, of the exchequer, was a distinguished mathematician ? Sir Francis Bacon is the wonder of his species, for the reform he made in reasoning and philosophizing; in substituting induction for syllogism ; in introducing the certainty of nature, into the place where the delusive subtleties of art prevailed; in rejecting idle hypothesis, to make room for logical theory ; and in short, by introducing the sure *posteriori* method of reasoning, instead of the fallacious *priori* mode. Sir William Jones, a prodigy of genius and talent, is an example of the most diversified attainments. He was capable of examining all manner of subjects, whether

ancient or modern; oriental or occidental; scientific or literary. You scarcely know which to extol most; the solidity of his prose, or the sweetness of his poetry. Hebrew, with its dialects of Samaritan and Chaldaic, were not enough for him. He was profound in Arabic, Persian and Sanscrit. Considering that he did not reach much more than a middle age, you may well marvel that he achieved so much, and performed so well.

There is one consideration well worthy of notice in regard to an education in medicine, preparatory to that of the law. It makes the individual more intimately acquainted with that important department of knowledge connecting the two professions, denominated *legal medicine*, or *medical jurisprudence*. In the various questions, both civil and criminal, that come before courts of law, as in cases of wounds, poisons, and many more, he that is best acquainted with the animal system, is qualified to be the most efficient counsellor.

After having been called to the bar, Mr. Emmet went to his own country to enter upon the practice of the law. But, my information concerning him, for some time after, was more as a politician than a lawyer. You need not be told, that the revolution whereby the British colonies in North America grew to be independent states, caused remarkable excitement in Europe. It was extensive and warm in the Emerald Isle. Many of its natives had assisted in our struggle. Some were leaders of prime distinction. The Hibernians had read the history. Their countrymen went home and told it. Travellers and emigrants came to this land and heard it. Most of them were inflamed with the desire of more liberty. The plantations and settlements, from Maine to Georgia, they said, were free, and Ireland ought also to be free. Imitating the Fredonians, they resolved to resist oppression. What the government refused to yield to them, they determined to acquire by force. Accordingly, a sort of league was formed, of this discontented class of the inhabitants, ex-

tending to almost every quarter of the island. The associates took the name of *United Irishmen*. The Irish students at Edinburgh were full of this innovating spirit. One, whom I knew, published a political pamphlet. Another talked to me of putting as a suffix to his name on the title-page of his dissertation, "Miles Hibernicus." The body of reformers was very numerous, though poorly armed and disciplined. A violent conflict ensued. The government determined to support itself, and to crush the insurgents, as they called the patriots. Matters were carried to such a length, that open resistance was made, and blood shed in the combats. The civil power, aided by the military, at length prevailed. Of the unfortunate survivors, some were hanged as rebels and traitors; some sought safety in exile, and others submitted and made their peace upon the best conditions they could.

Besides these there was another class, the members of which, though not charged with overt acts of insurrection or rebellion, were considered as suspicious and dangerous; threatening the order of society by their example, or assailing it by their conversations. A number of such were arrested and detained as prisoners of state. Of these, Thomas A. Emmet was one. What would have been the result of the national effort, can now be only a matter of conjecture. Man, particularly when acting in a multitudinous capacity, is frequently carried beyond the bounds he had prescribed to himself; if, indeed, he had ever intended a limitation. The gaining of one point leads to another, and another, and another, until a project commenced for a reform, only ends in a revolution or an overthrow; and if the work had been carried so far, a cry would have been made for a distinct and separate government, by popular suffrage. Had this been attempted, it would have been attended with extreme violence and commotion, and it might be alleged, that if a new order of things had been confirmed, it would have been a happy and a glorious event. It might have been so. The subject,

however, brings to my mind, the conversation of three excellent citizens, on such convulsive operations. One said he would rather talk of a dying patriot, than be himself the bleeding citizen. A second observed, that a sacrifice of life might be very necessary for religion's sake, but his head did not ache for the crown of martyrdom. The third observed, that there could not be any thing more entertaining than a feast, yet he had no desire to be the fat-ted calf.

In fact, it is now understood and admitted, that independence was the aim and object of the Irish revolution; and after the manner of the Fredonian States, the aid of France, then at war with Great Britain, was the subject of positive negotiation and confident expectation. The British government knew this, and took measures accordingly. It was a bold undertaking; but too mighty for the actors to carry through.

So, if the modern modellers in England should correct their rotten boroughs, and procure an equal representation in parliament, would they—could they stop there? No indeed. New legislators must enact new statutes. The house of lords must vacate its bench of bishops, sitting as barons of the realm. Tithes must be abolished, the church renovated, and the test act repealed. The revenue and the funds must be re-organized. In establishing republican equality, the nobility, regal family, and all must be levelled. To diminish the power of these persons, and to pay the accruing debts, there must be numerous acts of attainder and confiscation. You see there is much to be done, and it might be very comfortable for some of the survivors, after the work was finished. I notwithstanding, commend the prudence of those persons who think it too terrific and horrible to be voluntarily undertaken. Inconvenient and even bad as many things are in the existing system, it seems better to bear them, than trust to the noisy bawlers for amendments. The majority seem to think the present incumbents are more capable of administering, than the

mad caps or visionaries and infuriantes who are striving to get their places.

For the Irish patriots, who were charged only with suspicion of treasonable designs and practices, a method of proceeding was adopted effectually to destroy their exertions. They were seized and conducted to prison, without the relief of bail, or the benefit of counsel. These doings were had before the union, which has been since effected ; and while Ireland had a separate parliament under the King's Lord Lieutenant or Viceroy. The prisoners were conducted from their solitary cells, one by one, before the privy council, and examined by captious and insidious questions. Finding they would not criminate themselves, such were sent back to the place of confinement, by a formal order of council. During a tedious detention in these lonesome holes, various propositions were made and discussions held, touching the liberation of Mr. Emmet and his associates. Then after much delay and difficulty, they proposed to leave their country and come to our United States. This overture was on the point of being accepted, when the minister plenipotentiary of our government, then at the court of St. James, solemnly interfered, and remonstrated against the measure. The ministry, unwilling to force upon a friendly nation, such a portion of their ungovernable subjects, yielded to the opposition, and forbade the measure.

Brave and generous Hibernians ! These proceedings were during the prevalence of that act of Congress, which required fourteen years of probation for enabling an alien to become a citizen. It was one of my early functions, after being elected to the house of representatives, to move an amendment to the naturalization law, and shorten the term of probation to five years, as it now stands. I was desirous that peaceful emigrants should participate with us the freedom here, which their own government refused them. Come, good men, and share our comfort. You can become full citizens, without the distinction of deni-

zenship, in a moderate time. From the moment of your landing, you have the perfect protection of the law. You can enter upon employments and receive rewards. Even during the state of alienism, you may readily obtain legislative permission to hold real estate. The elective franchise is liberally extended, and you may not only be electors, but be candidates if you please. Come, and let us have the aid of your learned men, in our schools and colleges; of your professional men in their respective departments; of your technical men, in arts, trades and manufactures; and of the rest of you, in contributing your useful labour to construct houses, improve streets, prepare roads, excavate canals, drain the marshes, and cultivate the fields. Here is plenty of employment; and the man that works, is sure of being well fed and paid.

It was at length concluded to send these gentlemen, I believe about twenty, to Fort George, in Scotland, for confinement. Thither they were conveyed, and detained for about two years and a half, until the peace of Amiens was concluded. The power of France was no longer dreaded, and the insurgents were quelled. It was concluded that a very few of the prisoners might return home. The rest of them, the majority, were put on board a frigate, and conveyed to the river Elbe. After being landed at Cuxhaven, near Hamburgh, they were left to take care of themselves in foreign countries, while a bill of heavy pains and penalties was passed by the parliament, in case of their return. During the long and tedious confinement in Fort George, it is reported of Mr. Emmet, that he applied himself with close attention to the study of algebra, and became thereby a proficient in that abstract science. An idea may be entertained of the strictness with which the prisoners were guarded by the following recital. Mrs. Emmet made several applications to the Irish government for leave to visit her husband. This was uniformly refused. She afterwards renewed her application to the higher authorities in London. And there she succeeded

so far, that permission was granted her to go, provided she should stay there, and not come back. This she did, and remained until the discharge was granted.

Being now fairly out of the British dominions, the gentlemen had the right, if they pleased, to migrate hither. By the principal part, Mr. Emmet being one of the number, their former design was carried into effect. He arrived at New-York in 1804, where I enjoyed the pleasure of taking my former fellow student by the hand, and of welcoming him to the land of liberty. His political sufferings and professional fame had reached America long before his migration. He was received with great liberality by the gentlemen of the juridical profession. The prevailing opinion was, among the counsellors and judges, that his alienism was no objection to his admission to practice. He accordingly took the steps necessary to make his appearance in the courts of law and equity in the state. Having determined to consider this as the country of his future residence, he made early declaration of his intention to become a citizen, as soon as the terms prescribed by the statutes of naturalization would permit, and that he might lose no opportunity to bring himself reputably forward, he repaired to Washington city, to gain a registry in the Supreme Court of the United States, and pay his respects to the ruling powers. There I saw him busily engaged in the furtherance of his object. Wherever he showed himself, he attracted sympathy and respect. New-York was the place he chose for his dwelling. He seems to have studiously devoted himself to his new profession.

Amidst the almost numberless cases of litigation, arising among a free people, and under the government of laws, he soon found opportunities to come forward, and after a few displays of his powers before courts and juries, as well as witnesses and other auditors, he established the character of a zealous and eloquent advocate.

He had, as I before observed, been distinguished at Edinburgh, for his speeches, in the debating societies, to which he belonged. Earnestness was a remarkable trait of his eloquence. He was intent upon the subject of his consideration. He knew how to be argumentative, where the theme admitted or required it, and when he pleased, he could indulge in declamation. His tone and accent, were generally cogent and forcible, and bordered sometimes on the vehement. The motions and gestures which accompanied the utterance, increased its potency and effect. His countenance had a corresponding action, and mostly evinced the deep interest he took in the cause. There was a peculiarity in his utterance, different from that of any other public speaker I ever heard. Even so long ago, he appeared to have studied the subject of discussion, more diligently, than most of his cotemporaries. Consequently he could fortify it with the science of facts and observations, and embellish it with the literature derived from books and conversations. He could command ample stores of words and ideas, and bring them to bear on the question. All these qualities which distinguished his earlier exercises, were increased and improved by study and time, and put in requisition for his duties at the bar. Their joint operation, rendered him a valuable counsellor, who would not trifle with his client's business, nor permit it to suffer by indifference or neglect. He had a frankness and candour, which rendered him very estimable in society. To the junior members of the profession, he was remarkable for a polite and conciliatory course of conduct. He entered with so much fervency and talent, into the work he undertook, that he, in due season, took his station among the most eminent of the profession. He was retained in many very important trials, both civil and criminal, and the reputation of a moral and honorable man, secured to him the confidence and attachment of his employers.

In the year 1812, he was appointed attorney-general of the state; but in the conflict of party, and the strife of

opinion, the circumstances were such, that he did not hold it long.

About the same time, when the abuses in the College of Physicians and Surgeons, called for an amendment of their charter, and the completion of the board of trustees, Mr. Emmet came in as a member. A leading consideration in placing him there, was, that in the two-fold capacity of Physician and Lawyer, he might be enabled to render particular service to the institution. He was employed accordingly as the Counsellor of the College, and at various times, matters of law were referred to him, and reports received. On special occasions, he attended the meetings, and sometimes he took an active part in the transactions. In the unhappy dispute between the Trustees and Professors, which ended finally in the resignation of the latter, he took a decided stand in favour of the faculty. He was resolute and unshaken in opposing the violence of the majority of the board; whose intemperate proceedings, may be considered as having done more injury to science, than probably they will be ever able to repair.

It has been considered remarkable, that a man who spoke so much, and frequently so well, should have written and printed so little : differing in this respect so materially from his countrymen, Curran and Phillips. I never heard any special reason assigned, for such omission to publish. Every gentleman however, who has been accustomed to speak in public, knows that the labour of writing out a speech, is very considerable, whether the orator reduces it to manuscript before delivery, or performs that task afterwards. It is often a piece of heavy drudgery. A person of active parts and constant occupation, sometimes prefers travelling new routes, to turning about and exploring a second time, the old ground.

There are nevertheless several tracts, besides the medical essays before mentioned, which ought now to be noticed. He has left for example, a composition which is entitled, part of an essay toward the history of Ireland. It

was published in a collection made by his friend and fellow sufferer, the learned and accomplished William James Mac Neven, at New-York, in 1807, under the title of *Pieces of Irish History, illustrative of the condition of the Catholics of Ireland, of the origin and progress of the political system of the United Irishmen, and of their transactions with the Anglo-Irish Government.* It commences with the ridiculous and contemptible character, as he terms it, of the Irish Parliament in 1789 and 1790, and terminates with the executions for high treason, of Messrs. Welden, Hart, Kennedy and others, 1795.

He states the condition of the religious sects, consisting of Protestants and Catholics, the former divided into members of the Anglican Church, and the dissenters. The latter were the descendants of the primitive Irish, or of those early settlers whom the reformation had identified with the aboriginal inhabitants; while both the former had been in their origin, foreign colonists, introduced and enriched in consequence of long continued massacres and warfare, and various tyrannical and oppressive acts, by which the native Irish had been systematically dispossessed or extirpated, and the dependence of their country on another state, permanently secured. The inquirer, who seeks information concerning the associations called United Irishmen; the proceedings in Dublin and Belfast, their failure, and the exhibition of the grievances in London; the peep-o-day boys, the defenders, and the history of the various factions, clubs and conventions, up to 1803, when the French sent a confidential agent to Ireland, with offers of succour, if it would attempt to liberate itself from the enemy, will find the proceedings very well sketched here. With the account of these matters, is interwoven much of individual occurrence, and local detail. After relating the capital executions of Jackson and O'Connor, and proceeding to the point already noticed, he seems to have become weary with the task, to have placed his pen in the ink-horn, and never to have marked paper with it again, on that subject.

In the same volume, is contained Mr. Emmet's letter to Rufus King, the late minister resident of the United States, in London. This performance may be considered as a specimen of his polemic writing. It was mentioned before, that the state prisoners, of whom this gentleman was one, were negotiating with the government, for a discharge, on condition of departing for this country, and that leave was refused, in consequence of the interference of that public functionary. In 1807, Mr. King was nominated as a candidate for a seat in the Assembly of the State Legislature. Mr. Emmet considered Mr. King as being the author of so much injury to him, that he felt a strong desire to defeat Mr. King's election. Accordingly the former wrote the latter a note, asking an explanation of his interference with the British Government, respecting the Irish State Prisoners, in 1798. To this, no answer was given : on which, Mr. Emmet wrote a formal letter to that gentleman, which was intended for public consideration. It was printed in the Newspapers, and was the subject of much notice at the time. It discloses various events and occurrences, relative to the sufferings of himself and his friends, well worthy of perusal by the historian. And it is replete with the indignant feeling which a person of sensibility might be expected to express, who had thereby been forced to waste four of the best years of his life in prison.

A fair sample of his forensic eloquence, is contained in the reported trial of William S. Smith, for an alleged misdemeanor, in 1806, before the Circuit Court of the United States, for the New-York District. The stenographer was Thomas Lloyd: and as the publication was made, and no contradiction of its correctness offered by Mr. Emmet, the words may be presumed to have been correctly stated.

The transaction referred to, is briefly this. There was a man named Francisco Miranda, a native of Caraccas, who had acquired the title of general, and for several

years indulged the hope of rendering the colony of Venezuela, independent of the Spanish monarchy. He went to Europe, and solicited from court to court, the means of effecting his object. Being in France at the time when a peace was concluded with Spain, a demand was made for his person; but the French authority determined to permit his escape. He fled to England: and was supposed to have obtained, by some means, funds for the expedition. He thence repaired to New-York, completed his outfit, and sailed with his armament to join the friends and patriots who had invited him to South America. William S. Smith was indicted as an accomplice, under the act of Congress, declaring it penal for a citizen to set on foot military enterprizes, against a nation with which our's was at peace. Mr. Emmet was one of his counsel; and his speech on summing up the evidence, occupying more than sixteen pages, affords probably, a just view of his talents as an advocate. I might easily extract from it, as the book is now lying before us; but these would lengthen a communication, growing, I fear, too prolix already. I may venture, however, to say, that in consequence of the excellence of this speech, the more important portions of it have been transferred to the pages of the fourth volume of that interesting compilation, entitled American Eloquence.

It has been observed that Mr. Emmet has not made material additions to literature, nor important contributions to science. Had he adhered to medicine, it is very probable he would have been conspicuous as an author. But after abandoning his original pursuits, and performing the labour of acquiring a new profession of a very different cast and character, he almost necessarily separated himself from natural and physical science. When afterwards, he became entangled in Irish politics and prosecutions, it could not be expected his mind should engage in philosophical investigation or learned research. Then again, the migration to the Continent of Europe, the

voyage across the Atlantic Ocean, and the exertions necessary for an establishment in a foreign land, must necessarily have occupied a large portion of his attention. The serious duties of his profession, seem to have superceded to a considerable degree, the cultivation of ornamental literature. Yet he may be commended for his general love of learning; for unceasing diligence; for his capacity to acquire in succession, two arduous professions; for the firmness with which he bore political prosecutions; for his ability to establish himself quickly and firmly in the country of his adoption; for his amiable disposition; for his fidelity to his clients; and for his private and domestic virtues.

The manner in which distinguished men depart this life, naturally and rationally attracts attention. As he was engaged in professional business in one of the courts of judicature, held in the City-Hall, in apparently his usual state of health, he suddenly became apoplectic, and was carried home in a state of insensibility. The stroke was received in the afternoon; and he expired during the ensuing night, without having been roused from the stupor. He departed in a way, which some persons think desirable, at short notice, and in the entire possession of mental and corporeal power.

I must now relate to you a most singular occurrence in which my deceased friend made his appearance a short time since, in a dream. This interview was distinguished by all the wildness and peculiarity of the Somnial state. I will give the question I put to him, and his answer.

Why com'st thou, visionary shade
Invading quiet night,
In natural form and garb array'd,
Before my wond'ring sight?

I've learn'd, quoth he, where I repose,
That through a firm decree,
Thou dost respectfully propose
An Eulogy on me.

Of Time, the dead no measure take;
 From which it well appears,
 One moment equal sum must make
 To fifty thousand years.

And mark my words, it's just as true,
 They're wholly deaf to Fame,
 So chang'd they are, they cannot view,
 'Tis but an empty name.

Though friendship give the song of praise,
 Which every heart endears,
 In them no notice can it raise,
 Nor penetrate their ears.

Remember then in what is said
 I'm quite beyond thy reach,
 And no attention will be paid
 To thy intended speech.

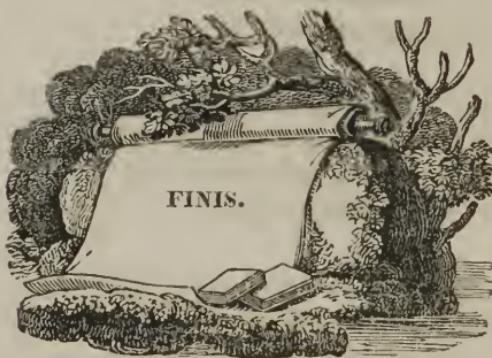
Yet men alive, as once I was,
 Thy words perhaps may strike,
 And teach by well-bestow'd applause,
 To emulate the like.

Then give to thy discourse a plan
 Intelligent and plain,
 And try how far thy efforts can
 Instruct and entertain.

When I had proceeded thus far, my attentive friend observed to me, that perhaps I had said enough. Two able gentlemen, he continued, have been appointed to follow you in a discussion of the same subject. William Sampson, his countryman and associate, has been requested to prepare a biographical memoir, which will be executed with fulness of knowledge and skill. And De Witt Clinton had consented to pronounce a funereal

eulogy, which, had he lived, would have been done in his accustomed and masterly manner. But, Oh grief ! he has been unexpectedly summoned away, in the height of reputation and usefulness, and instead of delivering the expected discourse, will himself become the theme of a copious and diversified biography.

I thank you for the hint, said I, and accordingly resolved instantly to stop.



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